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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/000,024      | 12/04/2001  | Wilfred F. Brake     | 100116241-1         | 8687             |

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EXAMINER

HENDERSON, ADAM

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2615

DATE MAILED: 08/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/000,024 | <b>Applicant(s)</b><br>BRAKE ET AL. |  |
|                              | <b>Examiner</b><br>Adam L. Henderson | <b>Art Unit</b><br>2615             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-4, 6, 7, and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kazumi (US Patent 6,289,178).

With respect to claim 1 Kazumi discloses a camera user interface assembly comprising: an object viewer (viewfinder window 22 on FIG. 2); a resizable, image-capture-area designator (frames 24-26, FIG. 6, column 6 lines 37-41); and a size selector (zoom switch 21, FIG. 2, column 4 lines 19-25). It is inherent that the size selector operates on the image-capture-area designator because the size selector sets the electronic zoom and the designator shows the current magnification level, therefore the size selector must not only operate the zoom, but must also switch between the designator sizes.

The camera user interface assembly of claim 1 meets the limitations of claim 2 where Kazumi further discloses a display screen (liquid crystal display 15, FIG. 2).

The camera user interface assembly of claim 1 meets the limitations of claim 3 where Kazumi further discloses an optical viewfinder (viewfinder window 22, FIG. 2).

The camera user interface assembly of claim 1 meets the limitations of claim 4 where Kazumi further discloses the image-capture-area designator (frames 24-26, FIG. 6) corresponds to the area of enlargement (column 6 lines 33-46). It is inherent that the designator is both progressively increasing and progressively decreasing. As the camera user switches between the

zoom levels, the designator will progressively get larger or smaller depending on whether the user desires to zoom-in or to zoom-out.

The camera user interface assembly of claim 1 meets the limitations of claim 6 where Kazumi further discloses in FIG. 6 three designation display sizes 24-26. Since there are three sizes and the designator cannot be between those three sizes it consists of three discrete steps. Each step is associated with the zoom step it represents, chosen by the selector.

The limitations of claim 7 are met by the camera user interface assembly of claim 1 where Kazumi further discloses that the selector is pushed down (column 4 line 19-25), in other words a push button toggle. Since Kazumi does not disclose the exact function of the “W” portion of his zoom switch 21, the sector may be either a single push button toggle (if “W” is not used for zoom control) or a double push button toggle (if “W” is used for zoom control). In either case the limitations of claim 7 are fully met.

The limitations of claim 8 are met by the camera user interface assembly of claim 1 where Kazumi further discloses in FIG. 6 lines representing the corners of the area to be imaged under the current zoom settings, creating a ‘line border’ for the image-capture-area designator.

With respect to claim 9 Kazumi discloses a camera comprising: an object viewer (viewfinder window 22 on FIG. 2); a resizable, image-capture-area designator (frames 24-26, FIG. 6, column 6 lines 37-41); and a size selector (zoom switch 21, FIG. 2, column 4 lines 19-25). It is inherent that the size selector operates on the image-capture-area designator because the size selector sets the electronic zoom and the designator shows the current magnification level, therefore the size selector must not only operate the zoom, but must also switch between the designator sizes.

With respect to claim 10 Kazumi discloses a camera user interface assembly comprising: an object viewer (viewfinder window 22 on FIG. 2); a resizable, image-capture-area designator (frames 24-26, FIG. 6, column 6 lines 37-41); and a size selector (zoom switch 21, FIG. 2, column 4 lines 19-25). It is inherent that the size selector operates on the image-capture-area designator because the size selector sets the electronic zoom and the designator shows the current magnification level, therefore the size selector must not only operate the zoom, but must also switch between the designator sizes. Thus as the user switches between zoom levels the designator will continuously increase or decrease in size, representing the current selected zoom level.

With respect to claim 11 Kazumi discloses a camera comprising: an object viewer (viewfinder window 22 on FIG. 2); a resizable, image-capture-area designator (frames 24-26, FIG. 6, column 6 lines 37-41); and a size selector (zoom switch 21, FIG. 2, column 4 lines 19-25). It is inherent that the size selector operates on the image-capture-area designator because the size selector sets the electronic zoom and the designator shows the current magnification level, therefore the size selector must not only operate the zoom, but must also switch between the designator sizes. Thus as the user switches between zoom levels the designator will continuously increase or decrease in size, representing the current selected zoom level.

The limitations of claim 12 are fully met by Kazumi in the disclosure of indicia representative of a portion of a displayed image which is to be selected for capture (frames 24-26, FIG. 6 column 6 lines 38-47). It is inherent that the user is able to continuously change from larger to smaller size and from smaller size to larger size in order to select the zoom level desired.

Kazumi meets the limitations of claim 13 in the disclosure of a selector switch (zoom switch 21, FIG. 2, column 4 lines 19-25) and indicia representative of a portion of a displayed image which is to be selected for capture (frames 24-26, FIG. 6 column 6 lines 38-47). Since Kazumi fails to disclose the a zoom mode, or any other mode for that matter, it is inherent that either the camera has only a single mode of operation and thus one would never need to switch modes, as there is only one, or that all modes are equally capable of taking advantage of the disclosed zoom function. The indicia designate the full extent of the area to be imaged by the camera (column 6 lines 33-47).

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 5, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazumi (US Patent 6,289,178) in view of Niikawa et al. (US Patent 6,812,967).

With regard to claim 5, Kazumi discloses a camera user interface assembly, as shown with respect to claim 1. However, there is no disclosure that the designator is a one-way, closed-loop resizable image-capture-area designator.

Niikawa et al. discloses the use of a one-way, closed-loop frame F, superimposed on the image displayed on a screen (LCD 10) to display the region that is to be shown on a second screen (EVF 20) (FIGS. 9A and 9B, column 10 lines 36-50).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the camera user interface assembly of Kazumi to include the frame F as taught by

Niikawa et al. as a replacement to the corner indicia in order to show the user the boundaries of the entire region, not just the locations of the corners of the region to be imaged.

Kazumi, with regard to claim 14, discloses a method of picture taking comprising: imaging a remote scene on a two dimensional photodetector (column 3 lines 37-41); generating a first set of data representative of the scene (column 3 line 66-column 4 line 6); the image may either be viewed on a display screen (liquid crystal display 15, FIG. 2) or in an optical viewfinder (viewfinder window 22, FIG. 2) (column 4 lines 7-10); an area designator is displayed on the optical viewfinder, but not the display screen (column 6 lines 33-37); selecting a portion of the image that corresponds to the region within the designator (column 6 lines 33-37); and saving that second set of data (column 4 lines 51-62). Kazumi does not disclose that area designator is displayed on the display screen (liquid crystal display 15, FIG. 2).

Niikawa et al. discloses a frame F enclosing a smaller region of the entire screen (LCD 10) to designate the region to be shown on another screen (FIGS. 9A and 9B, column 10 lines 36-50).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the method of picture taking of Kazumi to include the frame displayed on the display screen as taught by Niikawa et al. in addition to the area designator displayed within the optical viewfinder in order to allow the user be able to tell the zoom region on both the optical viewfinder and the electronic viewfinder.

Kazumi discloses, with regard to claim 15, a method of making a camera comprising: mounting a display (liquid crystal display 15, FIG. 2) on a camera housing (electronic still camera 10, FIG. 2); superimposing a resizable image-capture-area designator on the viewfinder

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window 22 (FIG. 2, column 6 lines 37-46); and a toggle (zoom switch 21, FIG. 2), where toggle is defined as any device that allows the user to switch between alternatives, for controlling the display of the designator (column 4 lines 19-25). It is inherent that it would also control when the designator would appear since they only display the designator for the current zoom level (column 6 lines 40-46) and when there is no zoom level there would be no designator displayed since the edges of the viewfinder would constitute the edges of the photographing region.

Kazumi does not disclose that the designator is displayed on the display.

Niikawa et al. discloses a frame F enclosing a smaller region of the entire screen (LCD 10) to designate the region to be shown on another screen (FIGS. 9A and 9B, column 10 lines 36-50).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the method of picture taking of Kazumi to include the frame displayed on the display screen as taught by Niikawa et al. in addition to the area designator displayed within the optical viewfinder in order to allow the user be able to tell the zoom region on both the optical viewfinder and the electronic viewfinder.

Kazumi discloses, with regard to claim 16, a method of making a camera comprising: mounting a display (liquid crystal display 15, FIG. 2) on a camera housing (electronic still camera 10, FIG. 2); superimposing a resizable image-capture-area designator on the viewfinder window 22 (FIG. 2, column 6 lines 37-46); and a toggle (zoom switch 21, FIG. 2), where toggle is defined as any device that allows the user to switch between alternatives, for controlling the display of the designator (column 4 lines 19-25). It is inherent that it would also control when the designator would appear since they only display the designator for the current zoom level



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(column 6 lines 40-46) and when there is no zoom level there would be no designator displayed since the edges of the viewfinder would constitute the edges of the photographing region.

Kazumi does not disclose that the display has a designator function.

Niikawa et al. discloses a frame F enclosing a smaller region of the entire screen (LCD 10) to designate the region to be shown on another screen (FIGS. 9A and 9B, column 10 lines 36-50).

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the method of picture taking of Kazumi to include the frame displayed on the display screen as taught by Niikawa et al. in addition to the area designator displayed within the optical viewfinder in order to allow the user be able to tell the zoom region on both the optical viewfinder and the electronic viewfinder.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam L. Henderson whose telephone number is 571-272-8619. The examiner can normally be reached on Monday-Friday, 8am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALH  
August 29, 2005



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EXAMINER